

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERRY LEE SISCO,

Plaintiff,

No. CIV S-05-0867 GEB JFM P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By an order filed December 21, 2005, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendants Beruth, Schmidt, Spears, and Falconer. That sixty day period has since passed, and plaintiff has not responded in any way to the court's order.

IT IS HEREBY RECOMMENDED that plaintiff's claims against defendants Beruth, Schmidt, Spears and Falconer be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, any party may file written objections with the court. The document should be captioned "Objections to Findings and Recommendations." The parties are advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
2 F.2d 1153 (9th Cir. 1991).

3 DATED: March 8, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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